

FACSIMILE COVER SHEET

NORRIS MC LAUGHLIN & MARCUS, P.A.
220 East 42nd Street
30th Floor
New York, New York 10017
Tel.: (212) 808-0700
Fax.: (212) 808-0844

Date: 24 September 2003

To: Examiner Richard Lovering
US Patent and Trademark Office
Tel. No. 703-308-0443
Fax: 703-872-9310

Subject: USSN 08/930,235
Our Ref.: Beiersdorf 454.3-KGB/HCL

From: Howard C. Lee

Comments: Filing of: response to Notice of Non-Compliant Amendment (37 CFR 1.121) –copy of Pending Claims (3pgs.); Copy of a Notice of Non-Compliant Amendment (1pg.)

If you have any questions or need further information, please contact us.

You should receive 5 pages including this cover sheet.

The information contained in this facsimile message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately at the number above and discard the original message.

Beiersdorf 454.3
08/930,235

COPY OF PENDING CLAIMS (No amendments made)

Claims 1-3 (cancelled)

Claim 4 (previously added)

4. An oil-in-water microemulsion comprising:
 - a) an oil phase, said oil phase comprising $\leq 11.8\%$ by weight of the microemulsion, and comprising low volatility constituents;
 - b) an aqueous phase comprising:
 - i) one or more polyethoxylated oil-in-water emulsifiers;
 - ii) one or more polypropoxylated oil-in-water emulsifiers; and/or
 - iii) one or more polyethoxylated and polypropoxylated oil-in-water emulsifiers;
 - c) one or more emulsifiers to a total emulsifier content of less than 20% by weight of the microemulsion;

wherein said microemulsion is transparent or translucent.

Claim 5 (previously added)

5. The microemulsion according to claim 4, which comprises one or more substances having cosmetic or dermatological activity.

Claim 6 (previously added)

6. The microemulsion according to claim 4, which comprises substances soluble or dispersible in water.

Claim 7 (previously added)

7. A process for preparing a microemulsion according to claim 4, said process comprising:
 - a) mixing constituents of the oil phase, constituents of the aqueous phase, and optionally

Beiersdorf 454.3
08/930,235

one or more water-in-oil emulsifiers to form a first mixture;

- b) adding one or more oil-in-water emulsifiers to said first mixture to form a second mixture;
- c) varying at least one parameter so that the second mixture passes through a phase inversion region between water-in-oil microemulsions and oil-in-water microemulsions and is brought into a phase inversion region where the second mixture exists as an oil-in-water microemulsion, wherein the parameter is selected from the group consisting of temperature and concentration of at least one of the emulsifiers, the oil phase or the aqueous phase.

Claim 8 (previously added)

- 8. A process for preparing a microemulsion according to claim 4, said process comprising:
 - a) mixing constituents of the oil phase, constituents of the aqueous phase, one or more oil-in-water emulsifiers, and optionally one or more water-in-oil emulsifiers to form a mixture;
 - b) forming an oil-in-water emulsion by bringing said mixture to a temperature which is:
 - i) a temperature at which components soluble in the oil phase dissolve or at least melt;
 - ii) a temperature which corresponds at least to a melting point of the oil phase component having the highest melting point of those components not in a dissolved state; and
 - iii) a temperature which is below a phase inversion temperature range of the mixture; and
 - c) cooling said oil-in-water emulsion to room temperature to form an oil-in-water microemulsion.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment under 37 CFR § 1.111 is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below:

Date: 24 September 2003

By: Agata Glinska
Agata Glinska

RECEIVED
CENTRAL FAX CENTER
SEP 25 2003

OFFICIAL